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April 29, 2014

VIA ECF

Honorable Sandra J. Feuerstein  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: United States v. Munteanu  
Ind. CR12-0698

Dear Judge Feuerstein:

As you are aware, I am attorney for Mr. Munteanu. As the Court will recall, during our last conference of April 23, 2014, I advised the Court of Mr. Munteanu's request that I renew his earlier denied bail application in this matter. Your Honor advised me to submit my application in writing. It is with this purpose that I write. For the reasons advanced herein, and those previously argued, I respectfully submit that having been detained for nearly 20 months awaiting trial in this matter, Mr. Munteanu is a deserving candidate for release on a secured bond, with conditions as set forth herein.

**Background**

On October 2, 2012, Munteanu was arrested and charged with Possession with Intent to Distribute a quantity of cocaine. Specifically, as the Court is aware, Munteanu was arrested outside a Long Island hotel, and a subsequent execution of a search warrant upon the hotel room in which Munteanu purportedly had been staying revealed the presence of one kilogram of cocaine. Thereafter, on November 8, 2012, the defendant was charged in a single count indictment with possession of 500 grams or more of cocaine with intent to distribute. Subsequently, on December 18, 2012, the undersigned made application to this Court for Munteanu's release on a bond to be signed by Munteanu's mother and secured by the equity of approximately \$200,000 in his mother's residence. In doing so, I argued that Mr. Munteanu is 32 years old, has been a lifelong resident of Long Island, and is virtually without a criminal

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history. Moreover, I argued that the indictment in this case alleges Munteanu's possession of a single kilo of cocaine, hardly the customary federal prosecution brought in the Eastern District of New York. Finally, I posited that strict reporting requirements to pre-trial services, the surrender of any travel documentation and, if required, a condition of home detention, would certainly represent a combination of conditions which would more than reasonably assure Munteanu's appearance in this matter. The Court denied my request for Munteanu's release.

As the Court is aware, subsequently, extensive motion practice ensued between the parties. Thereafter, the government conveyed to Munteanu the opportunity to enter a plea under a plea agreement. Munteanu refused the government's offer and this matter appears proceeding to trial. As is often customary, faced with Munteanu's decision to exercise his right to a trial, the government has obtained a Superseding Indictment which simply adds a conspiracy count to the initial one count indictment. Trial is currently scheduled for September 8, 2014.

**Having Already Served 20 Months In This Matter,  
Munteanu Should Be Released On A Combination  
Of Conditions Which Would Surely Secure His  
Appearance In This Matter**

Munteanu has already served nearly 20 months, and as of the scheduled trial date, will have served 24 months in this case.

The factors previously argued in support of Munteanu's release remain. He is virtually without a criminal history, he is a lifelong resident of Long Island, he represents no danger to the community, and his supportive mother remains fully willing to sign a bond secured by her residence which is mortgage free.<sup>1</sup> Moreover, Mrs. Munteanu is willing to house her son should the Court require a home detention component as a condition of release.

As noted, nearly two years against any sentence which may result upon conviction has already been served. Ready defenses are available in this matter, particularly as it relates to the government's contention that the conspiracy count of the Superseding Indictment involves three additional kilos. On this issue, it is notable that no additional kilos were recovered in this case and the government appears to be relying on the thin evidence of various statements made by cooperators.

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<sup>1</sup> The Court may recall that Mr. Munteanu's mother has attended virtually all of Munteanu's court appearances in this matter.

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In short, it cannot be credibly argued that having already served a significant portion of any sentence which could result, Eduard Munteanu would represent a flight risk under the combination of conditions set forth above.<sup>2</sup> With this, it is respectfully requested that the Court grant Munteanu's release under the conditions set forth herein.

Thank you for your consideration.

Very Truly Yours,

  
KEVIN J. KEATING

KJK:cf

cc: Michael Robotti, Esq.  
Charles Rose, Esq.

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<sup>2</sup> While not directly on point, it is worth commenting that Munteanu's release would undoubtedly act as a significant cost savings to the government on several fronts and, of course, aid in his ability to assist his counsel in preparing a defense.